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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,373	03/22/2001	James B. Baird	8579.00	4250

7590

03/29/2004

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Intellectual Property Section
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EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,373

Applicant(s)

BAIRD, JAMES B.

Examiner

Blane J Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 8-10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinonen et al. (U.S. Patent 6,418,326).

As to claim 1, Heinonen teaches a method of making an electronic currency value available to a user the method comprising the steps of:

Verifying the identity of the user via a portable communications device (figures 1 and 3c, column 8, lines 52-63),

Identifying a currency value which is accessible to the user via the portable communications device (column 8, lines 10-51, column 9, lines 14-27).

As to claim 2, Heinonen teaches where the step of identifying a currency value requires prior verification of the user's identity (identity check before access to applications, column 8, line 45 to column 9, line 5).

As to claim 3, Heinonen teaches storing the currency value in a storage medium provided in the portable communications device (column 9, lines 54-67).

As to claims 4, 8-10 and 14, Heinonen teaches an apparatus for accessing electronic currency, the apparatus comprising:

User verification means for verifying the identity of a user,

Data processing means for responding to user instructions,

Means for communicating user instructions to the data processing means, and

A portable communications facility for sending and receiving data (a verified mobile telephone user in communication with a bank using a cash application to make payment at an Electronic Point of Sale (EPOS), column 10 lines 1-67).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (U.S. Patent 6,418,326) with a view to Ritter (U.S. Patent 6,657,538).

As to claims 5 and 11, with respect to claims 4 and 10, Heinonen teaches user verification means comprises a certain code (column 10, lines 22-24), but does not teach the user verification means comprises a biometrics recognition device.

Ritter teaches a mobile telephone with a biometric key of possible users stored on a SIM card in the telephone to compare to sensor gathered biometric data gathered at the telephone to authenticate the current user (figure 1, column 4, lines 15-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the user verification methods of Heinonen with the biometric base approach of Ritter to improve security against identity theft and access to financial accounts.

3. Claims 6, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (U.S. Patent 6,418,326) with a view to Davis et al. (U.S. Patent 6,314,519).

As to claims 6, 7, 12 and 13, Heinonen depicts an application module (19) that includes a CPU, memory and a ciphering circuit (figure 3b, column 4, line 62 to column 5, line 25) but does not discuss data storage means for storing certificated electronic currency values with data processing means for encrypting and /or decrypting data.

Davis teaches a secure messaging system for electronic payment at a point of sale for wireless pagers or mobile telephones (column 18, lines 65-67) where the wireless unit comprises storage means for storing certificated electronic currency values and means for encrypting and /or decrypting data (figure 9, column 13, lines 26-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to identify in the data communication process of Heinonen the secure methods of Davis to protect the communication of sensitive and financial information.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (U.S. Patent 6,314,519) with a view to Freeny, Jr. (U.S. Patent 6,490,443).

As to claim 15, Davis teaches a method of securely storing electronic currency values, the method comprising the steps of:

Obtaining an *identification code identifier* from a user (column 17, column 44 to column 18, line 41),

Generating a request for a certificated currency value,

Sending the request to a certified currency issuer,

Obtaining a certified currency value from the issuer,

Encrypting the certified currency value, and

Storing the encrypted certified currency value (column 13, lines 26-67).

Davis does not teach obtaining a biometrics identifier from a user and encrypting the certified currency value in a manner dependent at least in part on the biometrics identifier.

Freeny teaches a method for authenticating a proximity service wireless unit for individual users that uses a biometrics identifier from a user and encrypting the data in a manner dependent at least in part on the biometrics identifier (figure 36, column 39, line 32 to column 40, line 39). It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the identification code identifier of Davis with the biometrics and encryption methods of Freeny for secure authentication of the device user without the risk of a stolen identifier code or password.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hannula et al. (U.S. Patent 6,366,893) discloses a method for electronic payment transactions between a mobile telephone and other transacting party. Bansal et al. (U.S. Patent 6,439,456) discloses a method for transferring money between cash cards in a telecommunication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ


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